

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

United States of America,

Case No.: 2:23-cr-00121-JAD-NJK-1

Plaintiff

V.

Jesus Magana-Rojas,

Defendant

Order Denying Motion to Reduce Sentence

[ECF No. 34]

Jesus Magana-Rojas is serving a 27-month sentence after pleading guilty to violating C. § 1326(a) and (b).¹ He now moves for a reduction in his sentence based on Part B of Amendment 821, a recent change to the sentencing guidelines that lowers the offense level of point offenders whose crime did not involve specific aggravating factors.² Magana-Rojas's appointed attorney filed a notice explaining that he does not qualify for a sentence reduction because he did not receive any criminal-history status points and was not a zero-point offender at the time of sentencing.³ Because I find that Magana-Rojas is not eligible for a sentence reduction under Amendment 821, I deny his motion.

Discussion

The Sentencing Commission submitted criminal-history amendments to Congress in May 2023, they took effect in November 2023, and courts have been applying them retroactively since February 2024.⁴ Magana-Rojas argues that he is entitled to a sentence reduction under the

1 ECF No. 30.

2 ECF No. 34.

23 | ³ ECF No. 37.

⁴ Sent’g Guidelines for U.S. Courts, 88 Fed. Reg. 60534, 60534 (Sept. 1, 2023).

1 change added to the guidelines as § 4C1.1, which lowers the offense level of zero-point
2 offenders whose crime did not involve specific aggravating factors.⁵ Zero-point offenders are
3 defendants with no criminal-history points under the guidelines. The Commission found that
4 these offenders have lower recidivism rates than other offenders, including those with one
5 criminal-history point, which warrants a reduction in offense level.⁶ A defendant with zero
6 criminal-history points whose offense did not involve threats of violence or sexual acts may now
7 receive a two-level decrease in his offense level.⁷

8 Magana-Rojas contends that he is eligible for a sentence reduction based on this
9 amendment.⁸ But as his appointed counsel acknowledges in a subsequent filing, Magana-Rojas
10 doesn't qualify for this reduction because he was not a zero-point offender at the time of his
11 sentencing.⁹ He had a criminal history score of 12 for prior convictions, so he was far from a
12 zero-point offender. Magana-Rojas is thus not entitled to a sentence reduction.

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20⁵ U.S. Sent'g Comm'n Guidelines Manual § 4C1.1 (U.S. Sent'g Comm'n 2023).

21⁶ U.S. Sent'g Comm'n, *Amend. to the Sent'g Guidelines* (2023),
22 https://www.ussc.gov/sites/default/files/pdf/amendment-process/official-text-
amendments/202305_Amendments.pdf.

22⁷ *Id.*

23⁸ ECF No. 34.

⁹ ECF No. 37; ECF No. 24 at 14.

Conclusion

2 Because Jesus Magana-Rojas does not qualify for a sentence reduction under
3 Amendment 821, IT IS ORDERED that his motion for a sentence reduction under Amendment
4 821 [ECF No. 34] is DENIED.

U.S. District Judge Jennifer A. Dorsey
April 10, 2025